

*A2*  
*costa*  
[SERIAL NO: 09/871,243

ATTORNEY DOCKET NO.: P1038]

latent intumescence potential, the presence and composition of intercalation compounds, the presence and composition of residues, resin content and composition, degree of resin drying, degree of resin cure or cross-link.

- A3*
4. (amended) The material of claim 1 wherein the thickness of one zone of the at least one of said plurality of zones is less than about 0.1 mm.
  5. (amended) The material of claim 1 wherein at least one zone of said at least one of said plurality of zones are comprised of sheets less than about 2.0 mm in thickness.

---

  8. (amended) The material of claim 1 further including a layer of a diverse material interposed between at least two zones of said plurality of zones.
  9. (amended) The material of claim 8 wherein the diverse material comprises a foraminous material selected from the group consisting of woven fabrics, nonwoven fabrics, webs of plastic, metal, perforated films, and foils.
  10. (amended) The material of claim 8 wherein the diverse material is a nonporous sheet, nonporous film or nonporous foil.
  11. (amended) The material of claim 1 wherein at least one of said plurality of zones has a density of at least about 1.1 g/cc and at least one of said plurality of zones has a density of less than about 1.0 g/cc.
  12. (amended) The material of claim 1 wherein a resin is present at a level of at least about 5% in the flexible graphite sheet.
-

**SERIAL NO: 09/871,243**

**ATTORNEY DOCKET NO.: P1038**

Please add the following new claims 28-38:

28. The material of claim 1 further comprising a second material wherein said second material comprises one selected from a nonporous material or a formanious material.
29. A material[useful as a substrate] for an embossed flexible graphite article, the material comprising a composite of a plurality of flexible graphite sheets, wherein at least one flexible graphite sheet of said plurality has at least one property that differs by more than 5% of said property for a second flexible graphite sheet of said plurality.
30. The material according to claim 29 wherein said property comprises one selected from the group consisting of: electrical conductivity, thermal conductivity, density, void condition, area weight, gas permeability, water permeability, particle size, type of graphite starting material, presence and composition of filler materials, degree of graphite intumescence, latent intumescence potential, the presence and composition of intercalation compounds, the presence and composition of residues, resin content and composition, degree of resin drying, degree of resin cure or cross-link.
31. The material according to claim 29 wherein said property comprises density.
32. The material according to claim 31 wherein said density of said one flexible graphite sheet comprises between 0.1 g/cc up to 1.3 g/cc and said density of said second flexible graphite sheet comprises at least 1.4 g/cc to no more than 1.8 g/cc.
33. The material according to claim 31 wherein said one sheet of flexible graphite comprises a top layer of said composite and said second sheet of flexible graphite comprises a bottom layer of said composite and said density of said one sheet of flexible graphite comprises more than 5% less than said density of said second sheet of flexible graphite.
34. The material according to claim 29 wherein said property comprises resin content.

**SERIAL NO: 09/871,243**

**ATTORNEY DOCKET NO.: P1038**

35. The material according to claim 29 wherein said property comprises void condition.
36. The material according to claim 29 wherein said composite comprises a second material, said second material comprises a nonporous material or a formanious material.
37. The material according to claim 36 wherein said second material comprises an interlayer of said composite.
38. The material according to claim 29 wherein said difference comprises a value in the range of 10% up to 200%. - -

#### **REMARKS**

The Applicants respectfully request reconsideration in view of the amendment and the following remarks. In the response, claims 1, 3-5, 8, 9, 10, 11, and 12 were amended. Claims 1-5, 7-13, and 28-38 are now pending. Claims 6 and 14-27 have been canceled without prejudice or disclaimer.

#### **ELECTION/ RESTRICTIONS**

Applicant hereby confirms the election to claims 1-13 of Group I.

#### **SECTION 112, SECOND PARAGRAPH REJECTION**

Claims 3-5, 8, and 11-13 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Applicant amended claim 3 in a manner responsive to the grounds to the rejection regarding the lack of antecedent basis for the limitation of "the property" and the phrase "and the like". Applicant has also amended claims 4, 5, 10, and 12 in a manner responsive to the ground